

REMARKS

Claims 1-39 are pending. Claims 27-39 are withdrawn pursuant to the Examiner's previous restriction requirement.

The Examiner rejected Claims 1-2, 6-8, 12-13, 18 and 22 under 35 U.S.C. § 112, second paragraph, for being indefinite. With respect to the Examiner's objections to Claims 8 and 22, Applicants have amended Claims 8 and 22 to eliminate the language the Examiner deemed indefinite.

With respect to Claims 1-2, 6-7, 12-13 and 18, to which the Examiner states that "the phrase 'possibility' renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention." Applicants respectfully disagree with the Examiner. In Claims 1-2, 6-7 and 18, the word "possibility" refers to the information represented by the data received (See, e.g., Applicants' page 10, paragraph [37], when the pre-alert field is set, the information represents that a regulatory domain change is "possible"; when the pre-alert field is not set, the information represents that a regulatory domain change is "not possible"). Thus, the term "possibility" limits the nature of the information that can be represented by the recited "data," and thus there is no indefiniteness. Similarly, the term "possibility" in Claims 12-13 limits the results that can arise from a determination step: e.g., the outcomes of the regulatory domain change determination are limited to "possible" and "not possible". Hence, there is no indefiniteness in the term "possibility" in Claims 1-2, 6-7, 12-13 and 18.

Claims 1-2, 6-8, 12-13, 18 and 22 are therefore believed fully complying with 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 1-9 and 11-25 under 35 U.S.C. § 102(e) as being

anticipated by U.S. Patent Application Publication 2004/0039817 ("Lee"). With respect to Claim 1, the Examiner states:

Regarding claim 1, Lee et al teaches a method of enabling channel scanning in a wireless station (wireless station, fig. 8), said method comprising (fig. 8):

receiving from an access point (access point, fig. 8) data provided to indicate a possibility of regulatory domain change (para. # 0030, 0038); and

after a connection with the access point is terminated selecting a channel scanning method based upon said data (para. # 0066).

Applicants respectfully traverse the Examiner's rejection. Applicants' Claim 1 specifically recites selecting a scanning method based on data indicating the possibility of a regulatory domain change:

1. A method of enabling channel scanning in a wireless station, said method comprising:

receiving from an access point data provided to indicate a possibility of a regulatory domain change; and,

after a connection with the access point is terminated, selecting a channel scanning method based upon said data.

Applications' Specification, at page 10, paragraph [37], provides examples of such data (e.g., a pre-alert field and a lifetime field). However, this recited feature of Claim 1 is neither disclosed nor suggested by Lee. Contrary to the Examiner's contention, Lee's paragraphs [0030], [0038] and [0066] (on which the Examiner based his contention) do not disclose "selecting a scanning method based on [data]" that is "provided to indicate a possibility of a regulatory domain change," as recited in Claim 1. With respect to the Examiner's contention regarding Lee's paragraph [0030], Lee discloses in paragraphs [0030-0031] general description regarding regulatory domain requirements in certain regulatory domains (e.g., Europe). Lee does not teach at paragraph [0030] conditions relating a change

of regulatory domain. Between paragraphs [0030-0032], Lee merely teaches selecting a scanning mode based either on existing knowledge of transmit power control (TPC) regulatory requirements at step 116, or according to an unspecified criterion in step 118. In addition, Lee states that regulatory requirements relating to TPC is not within the scope of its disclosure:

[0032] If spectrum management is not enabled, the station determines whether the scanning mode is active or passive, in step 118. Otherwise, in step 116, the station determines whether the station knows TPC related regulatory requirements. TPC related regulatory requirements may include maximum transmit power and average power mitigation in the 5 GHz band specified by the region. The discussion of this topic is beyond the scope of this invention; those who are skilled in the art or those who would like to implement devices to support spectrum management can easily obtain the information relating to the regional regulations.

(emphasis added)

Similarly, contrary to the Examiner's contention, Lee's paragraph [0038] also does not teach "selecting a channel scanning method based on [data]" that is "provided to indicate a possibility of a regulatory domain change." At paragraph [0038], Lee teaches a channel-switch announcement, which is made to avoid contention with radar signals – i.e., a condition completely unrelated to a possibility of a regulatory domain change:

[0038] ... the channel-switch announcement is embedded in the beacon or probe response frames to indicate to stations in the BSS that the AP is intended to move to another channel to avoid contention with radar signals.

Likewise, Lee's paragraph [0066] teaches conditions for seeking association with a new AP, and does not relate to "selecting a channel scanning method based on [data]" that is "provided to indicate a possibility of a regulatory domain change." Therefore, none of Lee's paragraphs that the Examiner relied provide teaching relating to handling a possible regulatory domain change. Accordingly, Applicants' Claim 1 and its dependent Claims 2-7

are each allowable over the teachings of Lee. Claims 8, 17, 22 and their respective dependent Claims 9, 11-13, 18-21 and 22-25, each reciting data relating to regulatory domain information to allow determination of a regulatory domain change, are likewise each allowable over Lee.

With respect to independent Claim 14, the Examiner states:

Regarding claim 14 Lee teaches a method of enabling channel scanning in a wireless station, said method comprising (figs. 8):

determining if a channel of a plurality of available channels is a domain-independent channel (para. # 0028-0030); and

actively scanning the domain-independent channel (para. # 0028-0030).

Applicants respectfully traverse the Examiner's rejection. Claim 14 recites determining whether or not a channel is domain-independent:

14. A method of enabling channel scanning in a wireless station, said method comprising:

determining if a channel of a plurality of available channels is a domain-independent channel; and

actively scanning the domain-independent channel.

As discussed above, Lee provides no teaching with respect to handling a possibility of regulatory domain change. Thus, contrary to the Examiner's contention, Lee does not teach or suggest the recited determining step of Applicants' Claim 14. Lee's paragraphs [0029-0031] merely explain regulatory domain requirements and refer its readers to specified standard documents. As made clear in Lee's paragraph [0032 and 0034], Lee teaches merely selecting a scanning mode based on existing knowledge of TPC related regulatory requirements at step 116 and an unspecified criterion at step 118, and does not teach any

determination of domain-independence. Therefore, Claims 14 and its dependent Claims 15-16 are also each allowable over Lee.

Reconsideration and allowance of Claims 1-9 and 11-25 are therefore requested.

The Examiner rejected Claims 10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Lee, in view of U.S. Patent 7,006,465 ("Toshimitsu"). The Examiner states:

Regarding claim 10 and 26 Lee does not specifically teach obtaining speed of said wireless station.

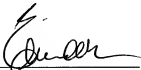
In an analogous art, Toshimitsu et al teaches teach obtaining speed of said wireless station (col. 25, lines 1-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lee teaches by specifically adding features obtaining speed of said wireless station, radio mobile station simplifies a control of hand-over process and improves communication efficiency and attains high reliable radio communication system taught by Toshimitsu et al.

Applicants respectfully traverse the Examiner's rejection. Because Claims 10 and 26 depend from Claims 8 and 22, respectively, Claims 10 and 26 are allowable over Lee for the reasons already discussed above. Since the Examiner relies only on Toshimitsu's teachings of "obtaining speed of said wireless station," and because Toshimitsu is not concerned with regulatory domains, Claims 10 and 26 are thus allowable over the combined teachings of Lee and Toshimitsu. Reconsideration and allowance of Claims 10 and 26 are therefore requested.

All examined claims (i.e., Claims 1-26) are therefore allowable. If the Examiner has any question regarding the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant at (408)-392-9250.

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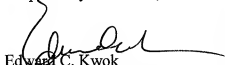


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